

Date of Hearing: April 24, 2012

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Paul J. Cook, Chair

AB 1806 (Cook) – As Amended: March 26, 2012

SUBJECT: Veteran interment: veterans' remains organizations.

SUMMARY: Adds requirements for the county public administrator to make specified reports about unclaimed remains and for the California Department of Veterans Affairs (CalVet) to keep a list of unclaimed remains. Reduces time before which unclaimed remains may be released to a veterans' remains organization. Specifically, this bill:

1. Requires a county public administrator to report all unclaimed remains to the county veteran service officer (CVSO).
2. The CVSO shall determine whether an unclaimed remains are those of a veteran or the dependent of a veteran.
3. Allows the release of the remains of a veteran or dependent of a veteran to specified veterans' remains organizations after 45 days.
4. Requires CVSO who determines that unclaimed remains are those of a veteran or dependent of a veteran, and that the remains meet the criteria for interment by a veterans' remains organization to report specified information to CalVet.
 - a. The name, rank, and branch of service of the deceased or, if the deceased is the dependent of a veteran, the name of the deceased and the name, rank, and branch of service of the eligible veteran.
 - b. Dates of service.
 - c. Location of the remains and a telephone number and name for the contact at that location.
5. Requires CalVet to maintain a list of those unclaimed remains, and make that list available to veterans' remains organizations by phone or in person.

EXISTING LAW: Authorizes a cemetery authority, cemetery corporation, or other entity in possession of the cremated remains of veterans or their dependents to release the remains to a "veterans' remains organization" if unclaimed for at least one year. There is currently no requirement for public administrators to report or CVSOs to make inquiries to determine whether an unclaimed body is that of a veteran or the dependent of a veteran. Additionally, there is no statewide list of the unclaimed remains of veterans and veterans' dependents that can be consulted by veterans' remains organizations.

Burial benefits eligibility is available to many veterans; the complete rules are beyond the scope of this analysis. However, as a summary, in general such benefits are available to veterans who die on active duty or who receive a discharge other than dishonorable. Benefits are also available to spouses and dependents under specified conditions. Benefits to veterans include a gravesite in any of the 131 national cemeteries with available space, opening and closing of the

grave, perpetual care, a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate, at no cost to the family. Some veterans may also be eligible for burial allowances. Cremated remains are buried or inurned in national cemeteries in the same manner and with the same honors as casketed remains.

Burial benefits available for spouses and dependents buried in a national cemetery include burial with the veteran, perpetual care, and the spouse or dependents name and date of birth and death will be inscribed on the veteran's headstone, at no cost to the family. Eligible spouses and dependents may be buried, even if they predecease the veteran.

Burial benefits available for veterans buried in a private cemetery include a government headstone or marker, a burial flag, and a Presidential Memorial Certificate, at no cost to the family. Some veterans may also be eligible for burial allowances. There are not any benefits available to spouses and dependents buried in a private cemetery.

According to the California Health and Safety Code Section 7104, if the remains are unclaimed the person who has custody of the remains may require the coroner of the county where the decedent resided at time of death to take possession of the remains and the coroner shall inter the remains in the manner provided for the interment of indigent dead.

FISCAL EFFECT: Unknown.

COMMENTS: According to the author, the lack of a requirement for the holders of the remains to inquire about veteran/dependent status, coupled with the lack of a single statewide list could lead to many veterans' remains remaining unclaimed and going without a proper burial.

Veterans have earned the burial benefits for which they are eligible as a result of having honorably served their country. It is an honorable thing and a light burden for those who have possession of unclaimed remains to make a small effort to determine if the unclaimed remains are those of a veteran. It also seems a minor undertaking to require CalVet to simply maintain a list of unclaimed remains; there are many veterans' remains organizations which are dedicated to interment of unclaimed veterans' remains and there currently is no single point of contact for them to find out if there are unclaimed veterans remains with which they could assist. The list will make it easy for veterans' interment organizations to connect a deceased veteran with federal burial benefits that are already there, earned, and waiting.

The change to the holding period for remains is substantial. Nevertheless, the shorter holding period is appropriate because it honors the deceased veteran while still giving family or others time to come forward to claim the remains.

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion- Department of California
AMVETS-Department of California
California Association of County Veteran Service Officers
California State Commanders Veterans Council
Vietnam Veterans of America- California State Council

Veterans of Foreign Wars of the United States- Department of California

Opposition

None on file.

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